



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,906	06/27/2003	James A. Kost	MPEE2 12375-1-1	7529

7590 08/19/2005
 FAY, SHARPE, FAGAN, MINNICH & McKEE
 Seventh Floor
 1100 Superior Avenue
 Cleveland, OH 44114-2579

EXAMINER

BATSON, VICTOR D

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,906

Applicant(s)

KOST ET AL.

Examiner

Victor Batson

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 88-95, 100-115, 117-119, 121, 122, 124, 125, 127, 128, 133-135 and 137-145 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 88-95,100-115,117-119,121,122,124,125,127,128,133-135 and 137-145.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 88-95, 100-104, 106, 114, 115, 117-119, 124, 133, 137, 140 are rejected under 35 U.S.C. 102(e) as being anticipated by Malinowski (6,102,131).

Malinowski discloses a snowplow blade mount having all of applicant's claimed structure including a frame mount assembly (including 42), a lift mount assembly (including 44), a support assembly (including members 54) having a connection end (including 58), and a plow mount assembly (considered the structure that connects the plow blade to the frame mount assembly and lift mount assembly), with the plow mount assembly detachably connected to the support assembly and including a leg support 48 as shown in figure 7. It is noted that latch bars 50 & 52 are considered removable pins since they are removable from sockets 58 & 60. It is noted that the entrance structure

Art Unit: 3671

of sockets 58 & 60 are considered guide sections and landings, with the outermost edge being considered the guide section (see figure 7).

2. Claims 88-95,100-105,107,108,112,114,115,117-119,124,133,137,140 are rejected under 35 U.S.C. 102(b) as being anticipated by Behrens et al. (5,806,214).

Behrens et al. discloses a snowplow blade mount having all of applicant's claimed structure including a frame mount assembly (32), a lift mount assembly (40), a support assembly (26) having a connection end and a plow mount assembly, with the plow mount assembly detachably connected to the support assembly and including a leg support 48 as shown in figure 1. Concerning claim 98, the frame member connected directly to the top of leg support 48 is considered a bumper plate. Behrens et al. further discloses a lift mount assembly 38. Concerning claims 107 & 108, members 48 are also considered the extension legs. Concerning claims 112, member 44 is considered a skid plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 109,139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131) in view of Pieper (5,353,530).

Art Unit: 3671

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks including at least one auxiliary light connector to connect an auxiliary light.

Pieper teaches that it is notoriously old and well known in the art to use auxiliary lights and light connectors with snowplows. Using lights with snowplows allows the operator to better plow at night.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include at least one auxiliary light and light connector as taught by Pieper, to enhance the ability of an operator to plow at night.

4. Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131) in view of Willis, Sr. (4,459,769).

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks including a deflector flap secured to the top edge of the plow blade.

Willis, Sr. teaches that it is old and well known in the art to connect a deflector flap 101 to the top edge of a snowplow, to prevent snow from moving over the plow blade.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include a deflector flap secured to the top of the blade as taught by Willis, Sr., to prevent snow from moving over the plow blade.

Art Unit: 3671

5. Claims 121,122,125,127,128,134,135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131).

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks specifying that the pins are secured in position by removable pin clips.

The examiner takes official notice that is notoriously old and well known in the art to secure pins with removable pin clips to allow the pins to be easily removed for disassembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include the use of removable pin clips to secure the pins, to allow the pins to be easily removed for disassembly.

6. Claims 121,122,125,127,128,134,135,138,141,144 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214):

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks specifying that the pins are secured in position by removable pin clips.

The examiner takes official notice that is notoriously old and well known in the art to secure pins with removable pin clips to allow the pins to be easily removed for disassembly.

Art Unit: 3671

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to include the use of removable pin clips to secure the pins, to allow the pins to be easily removed for disassembly.

7. Claims 109,139,142,143,145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214) in view of Pieper (5,353,530).

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks including at least one auxiliary light connector to connect an auxiliary light.

Pieper teaches that it is notoriously old and well known in the art to use auxiliary lights and light connectors with snowplows. Using lights with snowplows allows the operator to better plow at night.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to include at least one auxiliary light and light connector as taught by Pieper, to enhance the ability of an operator to plow at night.

8. Claims 110,111,113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214) in view of Willis, Sr. (4,459,769).

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks including a deflector flap secured to the top edge of the plow blade.

Willis, Sr. teaches that it is old and well known in the art to connect a deflector flap 101 to the top edge of a snowplow, to prevent snow from moving over the plow blade.

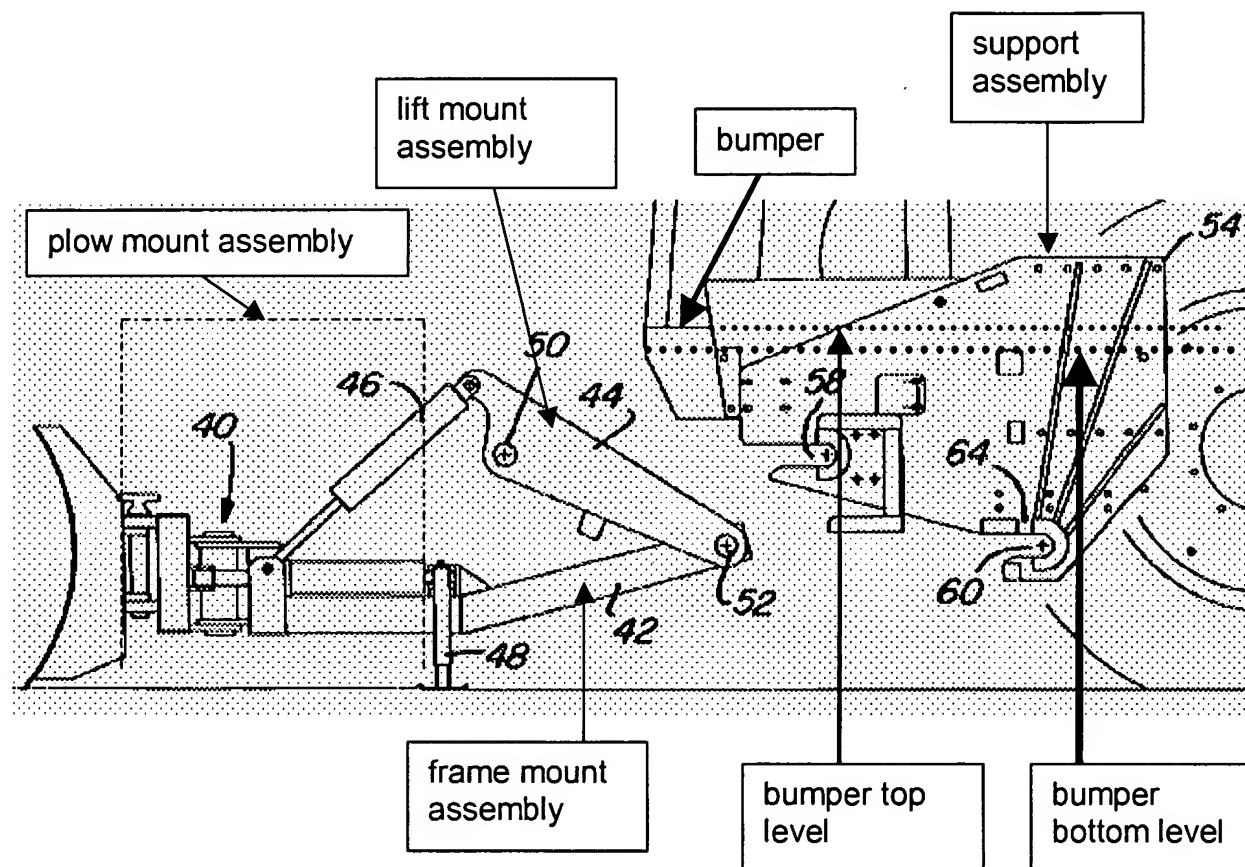
It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to include a deflector flap secured to the top of the blade as taught by Willis, Sr., to prevent snow from moving over the plow blade.

Response to Arguments

Applicant's arguments filed 6/9/05 have been fully considered but they are not persuasive. Applicant's overview of the invention and claims ("A" pages 12-15) is acknowledged). Applicant's arguments (B1 pages 16-17) have been considered but are not persuasive. For example, the examiner does not agree that component 44 does not and cannot mount to the frame of a vehicle. Malinowski in column 1 specifically discloses that it is known for "dozer blades" and "dozer blade units" to be mounted to a tractor frame and be suspended below the tractor's front axle. Clearly component 44 could be considered part of a dozer blade unit. Accordingly, the examiner does not agree that only structures that could correspond to the frame mount assembly are components 54, 58, 60 and 64. Additionally, it is the examiner's position that component 42 can be considered part of the frame mount assembly because applicant has not **claimed** enough specific structure to preclude such a position. Regarding applicant's arguments that the side plates 54 are not designed to be releasably secured to the frame mount, the examiner disagrees and notes that figure 8 shows the frame

Art Unit: 3671

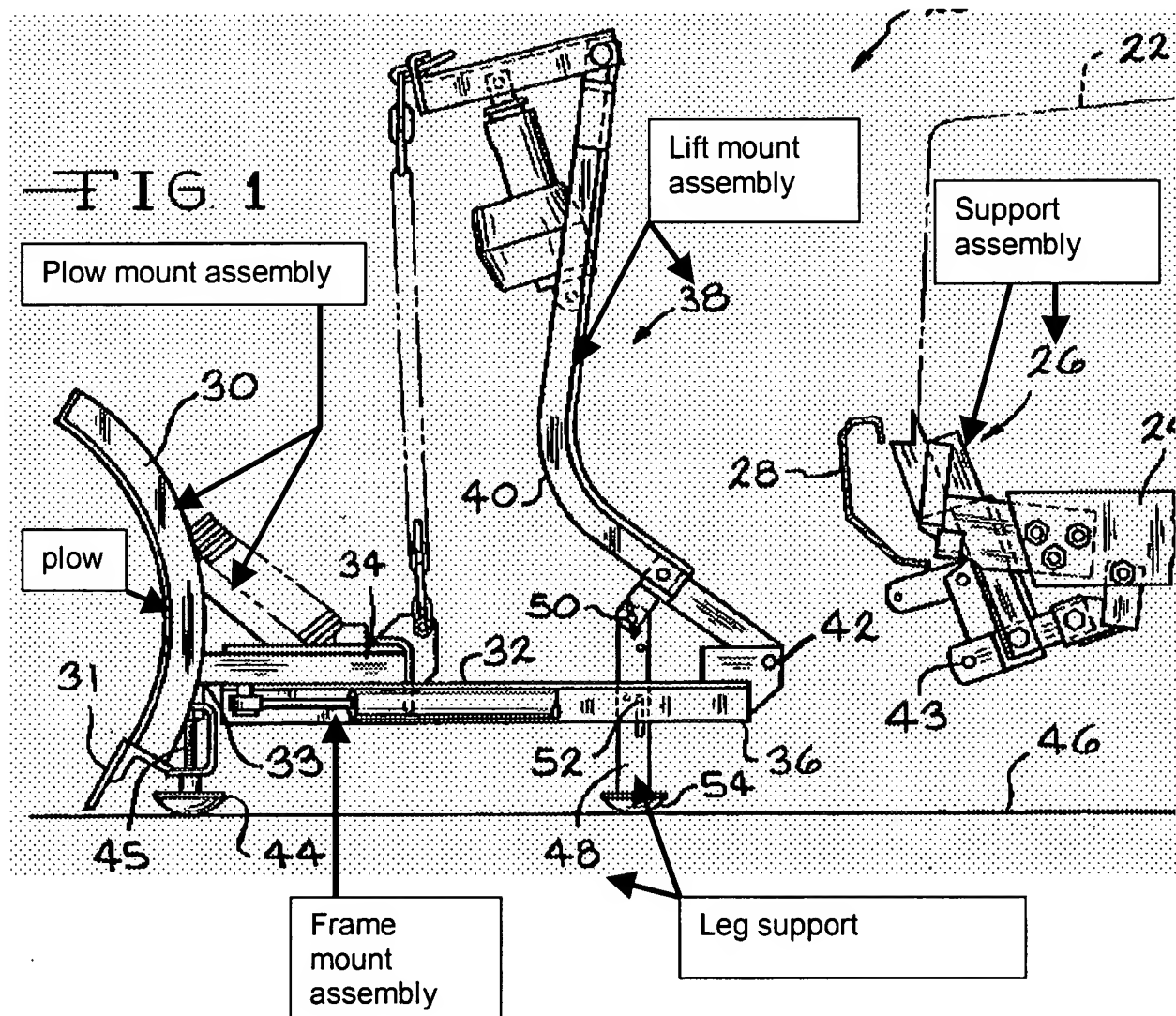
mount secured to the side plates with figure 7 showing the frame mount assembly released from the side plates. Included below is a modified figure identifying the claimed structure.



Applicant's arguments (B2 pages 17-19) have been considered but are not persuasive. Applicant argues that component 32 does not and cannot mount to the frame of a vehicle. The examiner disagrees and notes that component 32 is mounted to the frame of the vehicle by way of its common connection to support assembly 26, which is connected directly to the vehicle frame. Similarly, regarding applicant's arguments

Art Unit: 3671

regarding the connection of the frame mount assembly, frame mount assembly 32 is considered to be detachably connected to the frame of the vehicle by way of its detachable connection to the support mount assembly. Included below is a modified figure identifying the claimed structure.



Applicant's arguments (C pages 19-23) are not persuasive. Regarding modifying Malinowski and Behrens with Pieper, applicant is arguing against the references individually, and the examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is noted that Pieper is used to teach that it is old and well known in the art to use auxiliary lights and connectors with snowplows.

Applicant's arguments that the pins and/or pin clips defined in claims 121,122,125,127 and 128 in combination with the structural limitations in the claims is patentable, are not persuasive because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Concerning applicant's arguments that regarding claims 134 & 135, the prior art is considered to meet the limitation of the engagement arrangement being designed to at least partially telescopically receive at least a portion of the support mount assembly as defined by applicant in the specification.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (571) 272-6987. The examiner can normally be reached on Monday through Thursday.

Art Unit: 3671

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 16, 2005



Victor Batson
Primary Examiner
Art Unit 3671